## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CASSANDRA ANN RILEY	)	
BOYD,	)	
Plaintiff,	)	
v.	)	Civil No. 3:20-CV-00538
KILOLO KIJAKAZI <sup>1</sup> ,	)	
Acting Commissioner of Social	)	
Security,	)	
	)	
Defendant.		

## **ORDER**

This matter is before the Court on Plaintiff's Motion for Judgment on the Pleadings, (Doc. No. 13), and Defendant's Motion for Remand to the Acting Commissioner, (Doc. No. 16). Plaintiff, through counsel, consents to Defendant's Motion for Remand to the Acting Commissioner.

For good cause shown, the Court hereby GRANTS Defendant's Motion for Remand (Doc. No. 16), DENIES AS MOOT Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 13), and REVERSES the Acting Commissioner's decision

<sup>&</sup>lt;sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

under sentence four of 42 U.S.C. § 405(g) and remands the case to the Acting Commissioner for further administrative action. <u>See Shalala v. Schaefer</u>, 509 U.S. 292 (1993); <u>Melkonyan v. Sullivan</u>, 501 U.S. 89 (1991).

The Clerk of the Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and CLOSE THE CASE.

IT IS SO ORDERED.

Signed: September 14, 2021

Frank D. Whitney

United States District Judge